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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/725,149
Filing Date: December 01, 2003
Appellant(s): NAKATSUYAMA, TAKASHI

Karin L. Williams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/16/2010 appealing from the Office action mailed 5/11/2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-14

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Except claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (patent # US 7134131) in view of Barrett et al. (US Patent Number 6,005,597); **not** Hendricks (Patent # 5659350) in view of US Barrett et al. (Patent #6005597) as stated by appellant (see appeal brief page 5). Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5659350	Hendricks	8-1997
7134131	Hendricks	11-2006
6178447	Wannenmacher	1-2001
6005597	Barrett	12-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-2, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (patent # US 5659350).

As to claim 1, Hendricks discloses a method for receiving in a broadcast system, at a receiver having a unique identification number (e.g., set top ID 928; Fig. 6a), only designated information (e.g., program control information 276 sends to particular set top box)(see column 17, lines 58-60; column 20, lines 50-58; Fig. 6a), the method comprising the steps of:

monitoring a broadcast index signal (e.g., program control information signal) containing tuning data (e.g., program control information signal contains event ID, global channel ID) (i.e., set top terminal monitoring program control information signals in order to receive program control information signals designated to the set top terminal (program control information contain a set top ID)) (see column 9, lines 42-60; column 17, lines 50-60; column 19, lines 30-41; column 20, lines 50-58; Fig. 6a);

detecting the unique identification number (e.g., set top ID 928; Fig. 6a) associated with the receiver and/or transceiver in the broadcast index signal (i.e., set top terminal detecting program control information signals contain the set top terminal's

ID or headend sends program control information 276 to a particular set top terminal)
(see column 17, lines 28-60; col. 20, line 50-col. 21, line 15);

downloading the tuning data subsequent to detecting the unique identification number in the detecting step (e.g., download event data matches its set top ID)(see col. 19, lines 31-45);

storing the downloaded tuning data in memory (e.g., set top terminal 220 stores program control information)(see column 20, lines 22-40);

tuning and receiving a program signal containing program data associated with a program using the tuning data stored in said storing step (see column 11, lines 33-39; col. 37, lines 1-33; col. 38, line 63-col. 39, line 9).

As to claim 2, Hendricks discloses the method of claim 1, wherein the tuning data includes a reference time at which the program data is broadcast in the program signal, and further comprising the step of: tuning to the program signal at approximately the reference time (see Hendricks incorporated reference patent # US 5734853, col. 36, lines 30-65; Fig. 18).

As to claim 6, Hendricks discloses the method of claim 1, wherein either or both the broadcast index signal and the program signal include data used to present a menu of new programs and/or updates to programs broadcast on the program signal (see col. 3, lines 50-53; col. 20, line 50-col. 21, line 15).

2. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (patent # US 5659350) in view of Wannemacher et al. (US Patent Number 6,178,447).

As to claim 3, Hendricks discloses everything as claimed above (see claim 1).

Hendricks discloses configuring the receiver to operate in at least a first state during which the receiver monitors the index signal just prior to the tuning time (e.g., operating set top terminal normally),

However, Hendricks does not disclose a second state during which the receiver does not monitor the index signal.

In an analogous art, Wannemacher discloses a receiver to operate in a second state (e.g. power save mode) during which the receiver does not monitor the index signal (see column 5, lines 1-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify Hendricks' invention to include a second state which would not monitor the index signal for the predictable result of saving power and energy costs because monitoring a signal continuously consumes more power.

As to claim 4, Wannemacher discloses causing the receiver to enter a power saving mode during at least a portion of the second state (e.g. power save mode) (see column 5, lines 1-39).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (patent # US 5659350) in view of Barrett et al. (US Patent Number 6,005,597).

As to claim 5, Hendricks discloses everything as claimed above (see claim 1).

However, Hendricks does not disclose outputting a foreground program upon receiver power-on, and outputting a background program subsequent to the user selecting the background program for output.

In an analogous art, Barrett discloses outputting a foreground program upon receiver power-on, and outputting a background program subsequent to the user selecting the background program for output (see column 4, lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify Hendricks' invention to include a default foreground program when turning the receiver on, and a outputting a background program when the user selects that program for the predictable result of simplifying a user's preferences and displaying the program the user wishes to see.

4. Claims 7-9, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (Patent # US 7134131).

As to claim 7, Hendricks discloses a method for requesting and receiving designated information in a broadcast system, at a transceiver having a unique identification number (e.g., set top ID 928; Fig. 22a) the method comprising the steps of:

transmitting to a wireless communication system (e.g., satellite communication; Fig. 6a) a request signal, the request signal including the unique identification number and a request for a program (e.g., order signal 190) (see col. 10, lines 10-36; col. 21, lines 46-59; col. 13, lines 31-45);

receiving from the wireless communication system a broadcast index signal containing the unique identification number associated with the receiver and tuning data (i.e., set top terminal receiving program control information signals contain the set top terminal's ID, event ID, and global channel ID) (see column 41, line 48-col. 45, line 20);

storing the tuning data in memory (e.g., set top terminal 220 stores program control information) (see column 45, lines 23-41);

receiving a program signal containing program data, associated with a program, using the stored tuning data (see column 7, lines 7-16; col. 33, line 59-col. 34, line 63).

As to claim 14, Hendricks discloses a method for requesting and receiving designated information in a broadcast system, at a first transceiver having a unique identification number (e.g., set top ID 928; Fig. 22a), the method comprising the steps of:

transmitting from the first transceiver (e.g., set top terminal) to a wireless communication system a request signal, the request signal including the unique identification number and a request for a program (e.g., transmitting order signal 190 via satellite communication; Fig. 6a) (see col. 10, lines 10-36; col. 21, lines 46-59; col. 13, lines 31-45);

receiving at the first transceiver, from the wireless communication system, a broadcast index signal containing tuning data (i.e., set top terminal receiving program control information signals contain the set top terminal's ID, event ID, and global channel ID) (see column 41, line 48-col. 45, line 20);

storing the tuning data in memory (e.g., set top terminal 220 stores program control information)(see column 45, lines 23-41);

receiving a program signal containing program data, associated with a program, using the stored tuning data (see column 7, lines 7-16; col. 33, line 59-col. 34, line 63);

transmitting at least a portion of the stored tuning data from the first transceiver to a second transceiver (e.g., transmitting polling response from set top terminal to network controller 214; Fig. 22b) (see col. 46, lines 28-59).

As to claim 8, Hendricks discloses the method of claim 7 wherein either or both of the broadcast index signal and the program signal include data, representing new programs and/or updates to programs broadcast on the program signal, the method further comprising the step of: presenting a menu of program choices to a user on a display (see Fig. 15 a-d; col. 32, line 25-col. 33, line 56).

As to claim 9, Hendricks discloses the method of claim 8, wherein the request signal transmitted in said transmitting step is associated with a selection by the user from the menu of program choices (see col. 33, lines 40-56; Fig. 15d).

As to claim 11, Hendricks discloses the method of claim 7 further comprising the steps of: outputting an order form on a display and transmitting an order associated with the order form for goods and/or services (see col. 32, line 55-col. 33, line 29; Fig. 15b).

As to claim 12, Hendricks discloses the method of claim 11 further comprising the step of outputting an invoice on the display (i.e., the price for each program in Fig. 15d).

As to claim 13, Hendricks discloses the method of claim 8, further comprising the step of transmitting a payment by the user (see col. 18, line 64-col. 19, line 8).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (patent # US 7134131) in view of Barrett et al. (US Patent Number 6,005,597).

As to claim 10, Hendricks discloses everything as claimed above (see claim 7).

However, Hendricks does not disclose outputting a foreground program upon receiver power-on, and outputting a background program subsequent to the user selecting the background program for output.

In an analogous art, Barrett discloses outputting a foreground program upon receiver power-on, and outputting a background program subsequent to the user selecting the background program for output (see column 4, lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify Hendricks' invention to include a default foreground program when turning the receiver on, and a outputting a background program when the user selects that program for the predictable result of simplifying a user's preferences and displaying the program the user wishes to see.

(10) Response to Argument

The examiner respectfully disagrees that the rejection should be reversed. Only those actual arguments raised by appellant's are being treated in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued that the appellant could have made are considered by the examiner as having been conceded by the appellant for the basis of the decision of this appeal. Accordingly, they are not being addressed by the examiner for further consideration by the panel. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.

Issue A:

Appellant argues "index data is continuously and repeatedly broadcast over the entire area" (para. [0049]) -and "receiver 40 is alerted that tuning data 104 follows on index data signal 34 when it detects" its" identifier 102" -"receiver 40 then downloads

tuning data 104, stores the tuning data in memory 68 and uses the tuning data to receive information the user requested in user profile data 16" (para. [0051]). Hendricks '350 fails to teach these features." (Appeal Brief, page 6, lines 11-15).

The examiner respectfully disagrees. In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., index data is continuously and repeatedly broadcast over the entire area; and receive information the user requested in user profile data) are **not** recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Claim 1 calls for (a) - "monitoring a broadcast index signal containing tuning data", (b) - "detecting the unique identification number associated with the receiver in the broadcast index signal" and (c) - "downloading the tuning data subsequent to detecting the unique identification number in the detecting step". Hendricks discloses limitations (a), (b) and (c). Hendricks '350 discloses that set top terminal (220) receives program control information signal 276 that has data for program schedule and program description in the form of the bit-level format message 920 (broadcast index signal) as shown in Fig. 6a. See col. 17, line 50 - col. 18, line 7. **Note that program control information signal 276 can be in the form of message 920 (col. 20, lines 50-53).**

This meets the monitoring step. The message 920 includes the set top terminal identifier field 928 (unique identification) that is detected by the set top terminal. This meets the detecting step. The program control information signal also contains program information, such as event ID, global channel ID, and etc. that may be downloaded to

the set top box. See col. 19, lines 30-41. This meets the downloading step. Thus, Hendricks discloses the claimed limitation.

A1) Appellant argues "*Hendricks '350 fails to teach or suggest a method for monitoring (at a receiver having a unique identification number) a broadcast index signal containing tuning data, AND then downloading only designated information (at the receiver having a unique identification number) upon 'detecting the unique identification number associated with the receiver, in the broadcast index signal'*" (Appeal Brief, page 6, lines 24-30).

The examiner respectfully disagrees because the limitation in parenthesis is not recited in the claim. Again, the claims are interpreted in light of the specification; but limitations from the specification are not read into the claims.

A2) Appellant argues "*even if Hendricks '350 may include a "set top terminal identifier 928" in program information signal 276 - it does not teach, or even suggest, that the program information signal 276 is "monitored" by the receiver - such that the corresponding set top detects the unique identification number, and only then download the tuning data.*" (Appeal Brief, page 7, lines 1-4).

The examiner respectfully disagrees. Hendricks clearly discloses program control information signals 276 (in the form of message 920) includes tuning data, such as event ID, global channel ID, start/end time, and etc. (see Hendricks col. 17, line 49- col. 21, line 14). The program information signal 276 also includes a 4-bit address field

924 designates for a given set top terminal 220 and a set top terminal identifier field 928 that uniquely identifies each set top terminal (see col. 20, line 50-col. 21, line 3; Fig. 6a). Therefore, each message has its designated set top box address 924 and identifier 928. In a cable television distribution system, there are hundreds of set top terminals and for a particular set top terminal to receive a message sent from a head-end (central facility), the particular set top terminal must constantly observe (monitor and detect) a communication line in order to retrieve the message intended for that particular set top terminal. The set top terminal is comparing its own address against the address in the messages, and grabs the message that matches its own address and/or identifier. Hence, in order for the set top terminal to receive the designated messages, the set top terminal must first detect the address and/or identifier contained in the message matches its own address and/or identifier. And in order for the set top terminal to detect the address and/or identifier in the message, the set top terminal is constantly observing (monitoring) the messages send from the head-end or other set top terminals. Thus, Hendricks discloses the "monitoring" and "detecting" steps in order for the set top terminal to receive program information signals that designated to that particular set top terminal (see Hendricks col. 10, lines 56-67; col. 17, lines 58-60; col. 20, line 50-col. 21, line 15). Hendricks further discloses storing program control signal in the memory of the set top terminal or download Event Table to the set top terminal (see col. 11, lines 1-20; col.19, lines 31-32). Therefore, appellant's arguments are not persuasive.

A3) Appellant further argues "*set top terminal 220 does not "monitor" signal 276 to detect identifier 928 - rather, P/F bit 930 (of set top terminal identifier 928) is simply used "to command a polling response" from the set top terminal 220 addressed (col. 21, lines 4-5)*".

The examiner respectfully disagrees. First, Hendricks discloses the P/F bit 930 in position "1" in order to active the polling response command; when the P/F bit 930 sets to "0" indicating the message is **not** a polling command (Hendricks discloses detail of this feature in the incorporated reference, Patent # 5600364, col. 28, lines 2-37). The message is not a polling command message when the P/F bit is "0"; it is the message/program information signal 276 sent from the head-end to the designated set top terminal.

Secondly, even if the P/F bit 930 in the message is in position "1" (a polling command), the message is designated to a unique address. In order for the set top terminal to receive the polling command, the set top terminal must constantly observe (monitor) the messages send from the head-end. The set top terminal is detecting the message that matches its own address and/or identifier. Thus, Hendricks discloses the "monitoring" and "detecting" steps in order for the set top terminal to receive program information signals/message that designated to that particular set top terminal regardless the message type (polling command or not polling command); and the message also has the information field 932 for program information (see Hendricks col. 10, lines 56-67; col. 17, lines 58-60; col. 20, line 50-col. 21, line 15).

Therefore, Hendricks monitoring a broadcast signal containing tuning data, detection of the unique identification number in the broadcast signal, downloads and stores the tuning data (see col. 10, lines 56-67; col. 17, lines 58-60; col. 20, line 50-col. 21, line 15; col. 11, lines 1-20; col.19, lines 31-32).

Issue B:

Appellant argues "index data is continuously and repeatedly broadcast over the entire area" (para. [0049]) -and "receiver 40 is alerted that tuning data 104 follows on index data signal 34 when it detects" its" identifier 102" -"receiver 40 then downloads tuning data 104, stores the tuning data in memory 68 and uses the tuning data to receive information the user requested in user profile data 16" (para. [0051]). Hendricks '350 fails to teach these features." (Appeal Brief, page 9, lines 5-11).

The examiner respectfully disagrees. In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., index data is continuously and repeatedly broadcast over the entire area) are **not** recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Claim 7 calls for (a) - "transmitting to a wireless communication system a request signal, the request signal including the unique identification number and a request for a program", (b) - "receiving from the wireless communication system a broadcast index signal containing the unique identification number associated with the receiver and

tuning data". Hendricks discloses limitations (a) and (b). Hendricks '131 discloses that the set top terminal (220) sends an order signal 190 including an address of the set top terminal via a satellite communication (see Fig. 1; col. 21, lines 46-59; col. 26, lines 29-33). This meets the transmitting step. **Note that program control information signal includes the local authorization code 197' which can be in the form of a frame format signal (col. 41, lines 55-67; col. 29, lines 9-16; Fig. 13).** Hendricks '131 discloses the set top terminal 220 receiving program control information signals (includes the local authorization code 197'), the local authorization code 197' contain the designated set top terminal's address/ID, event ID, and global channel ID (see col. 29, lines 9-16; column 41, line 48-col. 45, line 20; Fig. 13). This meets the receiving step. Thus, Hendricks discloses the claimed limitation.

B1) Appellant argues "Applicant respectfully submits that this cited section of Hendricks ' 131 (and the remainder of Hendricks ' 131) fails to teach or suggest receiving a broadcast index signal containing the unique identification number associated with the transceiver and tuning data. Applicant can find no teaching that the "program control information signal" generated by the operations center 202 contains the unique identification number associated with the set top terminal" (Appeal Brief, page 9, lines 22-28).

The examiner respectfully disagrees. Hendricks '131 clearly discloses "The program control information signal may reach the subscriber's home in a compressed format and be decompressed prior to viewing. Included in the delivered signal is

information that enables equipment at the subscriber's home to display menus for choosing particular programs. The delivered program signal may also include the local authorization code, which allows for display of programs and channels of programming." (see col. 41, lines 55-65); "the local authorization code 197' includes an address corresponding to the terminal that ordered the program. The address may be built into the circuitry of the terminal 140, or may be provided by the local cable system 114" (see col. 23, lines 22-25); and "The local authorization code 197' may be a frame format signal. The local authorization code 197' may include a leading flag 401 at the beginning of the signal, an address field 403, a terminal identifier 405, an information field 407 and a trailing flag 411 at the end of the signal" (see col. 29, lines 9-17; Fig. 13).

As showing above, Hendricks '131 discloses the program control information signal includes local authorization code 197', and local authorization code 197' is provided by the head-end in response to an order placed by the user. The local authorization code 197' has a unique address correspond to the user terminal. And local authorization code 197' also has an information field 407 for the authorized programs that the set top terminal is subscribed (see col. 23, lines 22-25; col. 29, lines 9-17; Fig. 13).

B2) Appellant argues *"Again (as in Hendricks '350), in Hendricks '131, a set top terminal identifier 928 includes a polling command/response (or P/F) bit 930, that is used for polling purposes – there is no teaching or suggestion that this identifier 928 is used to monitor and receive, from a wireless communication system, a broadcast index*

signal containing this unique identifier associated with the receiver" (Appeal Brief, page 10, lines 1-5).

The examiner respectfully disagrees. Hendricks'131 discloses the message 920 is a polling command/response message only when the P/F bit 930 in position "1"; otherwise it just the message/program information signal (in the form of message 920) sent from the head-end to the designated set top terminal (see incorporated reference, Patent # 5600364, col. 28, lines 2-37). Hendricks '131 further discloses the set top terminal communicates with the program provider via the satellite communication (see Hendricks Fig. 1 and col. 4, lines 4-11; col. 10, lines 56-67; col. 17, lines 58-60; col. 20, line 50-col. 21, line 15). Therefore, appellant's arguments are not persuasive.

B3) Appellant argues "applicant respectfully submits that Hendricks ' 131 fails to teach or suggest receiving only broadcast index signals that contain the unique identification number associated with the transceiver and tuning data" (Appeal Brief, page 10, lines 12-15).

The examiner respectfully disagrees. Hendricks'131 clearly discloses program control information signals including local authorization code 197'(e.g., local authorization code 197' is provided by the head-end in response to an order placed by the user) and tuning data (e.g., event ID, global channel ID, start/end time, and etc) (see Hendricks col. 23, lines 22-25; col. 29, lines 9-17; Fig. 13). Therefore, appellant's arguments are not persuasive.

1. Arguments regarding Rejections of Claims 1-6

Appellant argues Hendricks does not teach or suggest the present invention as recited in independent claim 1. The examiner respectfully disagrees.

Independent claim 1

Appellant argues that claim 1 is allowable based on arguments regarding Issue A and sub-issues. Accordingly, claim 1 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for Issue A and sub-issues above.

Dependent Claim 2

Appellants argue that claim 2 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 2 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent Claim 3

Appellants argue that claim 3 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 3

is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent Claim 4

Appellants argue that claim 4 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 4 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent Claim 5

Appellants argue that claim 5 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 5 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent Claim 6

Appellants argue that claim 6 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 6

is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

2. Arguments regarding Rejections of Claims 7-14

Appellant argues Hendricks does not teach or suggest the present invention as recited in independent claim 7 and dependent claim 14. The examiner respectfully disagrees.

Independent claim 7

Appellant argues that claim 7 is allowable based on arguments regarding Issue B and sub-issues. Accordingly, claim 7 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for Issue B and sub-issues above.

Dependent Claim 8

Appellants argue that claim 8 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 8 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 7.

Dependent Claim 9

Appellants argue that claim 9 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 9 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 7.

Dependent Claim 10

Appellants argue that claim 10 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 10 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 7.

Dependent Claim 11

Appellants argue that claim 11 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 11 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 7.

Dependent Claim 12

Appellants argue that claim 12 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 12 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 7.

Dependent Claim 13

Appellants argue that claim 13 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 13 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 7.

Independent claim 14

Appellant argues that claim 14 is allowable based on arguments regarding Issue B and sub-issues. Accordingly, claim 14 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for Issue B and sub-issues above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

Jun Fei Zhong

/Jun Fei Zhong/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

June 3, 2010

/Christopher Grant/

QAS, TC 2400